

Union Calendar No. 408

108TH CONGRESS
2D SESSION

H. R. 4606

[Report No. 108-668]

To authorize the Secretary of the Interior, acting through the Bureau of Reclamation and in coordination with other Federal, State, and local government agencies, to participate in the funding and implementation of a balanced, long-term groundwater remediation program in California, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 17, 2004

Mr. BACA (for himself, Mrs. NAPOLITANO, Mr. CALVERT, Ms. MILLENDER-MCDONALD, Ms. LINDA T. SÁNCHEZ of California, and Mr. GARY G. MILLER of California) introduced the following bill; which was referred to the Committee on Resources

SEPTEMBER 8, 2004

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on June 17, 2004]

A BILL

To authorize the Secretary of the Interior, acting through the Bureau of Reclamation and in coordination with other Federal, State, and local government agencies, to participate in the funding and implementation of a bal-

anced, long-term groundwater remediation program in California, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Southern California*
 5 *Groundwater Remediation Act”.*

6 **SEC. 2. DEFINITIONS.**

7 *For the purposes of this Act:*

8 (1) *GROUNDWATER REMEDIATION.*—*The term*
 9 *“groundwater remediation” means actions that are*
 10 *necessary to prevent, minimize, clean up, or mitigate*
 11 *damage to groundwater.*

12 (2) *LOCAL WATER AUTHORITY.*—*The term “local*
 13 *water authority” means a currently existing (on the*
 14 *date of the enactment of this Act) public water dis-*
 15 *trict, public water utility, public water planning*
 16 *agency, municipality, or Indian Tribe located within*
 17 *the natural watershed of the Santa Ana River in the*
 18 *State of California.*

19 (3) *REMEDIATION FUND.*—*The term “Remedi-*
 20 *ation Fund” means the Southern California Ground-*
 21 *water Remediation Fund established pursuant to sec-*
 22 *tion 3(a).*

23 (4) *SECRETARY.*—*The term “Secretary” means*
 24 *the Secretary of the Interior.*

1 **SEC. 3. SOUTHERN CALIFORNIA GROUNDWATER REMEDI-**
2 **ATION.**

3 (a) *SOUTHERN CALIFORNIA GROUNDWATER REMEDI-*
4 *ATION.*—

5 (1) *ESTABLISHMENT OF REMEDIATION FUND.*—

6 *There shall be established within the Treasury of the*
7 *United States an interest bearing account to be*
8 *known as the “Southern California Groundwater Re-*
9 *mediation Fund”.*

10 (2) *ADMINISTRATION OF REMEDIATION FUND.*—

11 *The Remediation Fund shall be administered by the*
12 *Secretary, acting through the Bureau of Reclamation.*
13 *The Secretary shall administer the Remediation Fund*
14 *in cooperation with the local water authority.*

15 (3) *PURPOSES OF REMEDIATION FUND.*—

16 (A) *IN GENERAL.*—*Subject to subparagraph*
17 *(B), the amounts in the Remediation Fund, in-*
18 *cluding interest accrued, shall be used by the*
19 *Secretary to provide grants to the local water*
20 *authority to reimburse the local water authority*
21 *for the Federal share of the costs associated with*
22 *designing and constructing groundwater remedi-*
23 *ation projects to be administered by the local*
24 *water authority.*

25 (B) *COST-SHARING LIMITATION.*—

1 (i) *IN GENERAL.*—*The Secretary may*
2 *not obligate any funds appropriated to the*
3 *Remediation Fund in a fiscal year until the*
4 *Secretary has deposited into the Remedi-*
5 *ation Fund an amount provided by non-*
6 *Federal interests sufficient to ensure that at*
7 *least 35 percent of any funds obligated by*
8 *the Secretary for a groundwater remedi-*
9 *ation project are from funds provided to the*
10 *Secretary for that project by the non-Fed-*
11 *eral interests.*

12 (ii) *NON-FEDERAL RESPONSIBILITY.*—
13 *Each local water authority shall be respon-*
14 *sible for providing the non-Federal amount*
15 *required by clause (i) for projects under*
16 *that local water authority. The State of*
17 *California, local government agencies, and*
18 *private entities may provide all or any por-*
19 *tion of the non-Federal amount.*

20 (iii) *CREDITS TOWARD NON-FEDERAL*
21 *SHARE.*—*For purposes of clause (ii), the*
22 *Secretary shall credit the appropriate local*
23 *water authority with the value of all prior*
24 *expenditures by non-Federal interests made*
25 *after January 1, 2000, that are compatible*

1 *with the purposes of this section, includ-*
2 *ing—*

3 *(I) all expenditures made by non-*
4 *Federal interests to design and con-*
5 *struct groundwater remediation*
6 *projects, including expenditures associ-*
7 *ated with environmental analyses, and*
8 *public involvement activities that were*
9 *required to implement the groundwater*
10 *remediation projects in compliance*
11 *with applicable Federal and State*
12 *laws; and*

13 *(II) all expenditures made by*
14 *non-Federal interests to acquire lands,*
15 *easements, rights-of-way, relocations,*
16 *disposal areas, and water rights that*
17 *were required to implement a ground-*
18 *water remediation project.*

19 ***(b) COMPLIANCE WITH APPLICABLE LAW.—In car-***
20 ***rying out the activities described in this section, the Sec-***
21 ***retary shall comply with any applicable Federal and State***
22 ***laws.***

23 ***(c) RELATIONSHIP TO OTHER ACTIVITIES.—Nothing***
24 ***in this section shall be construed to affect other Federal or***
25 ***State authorities that are being used or may be used to fa-***

1 *cilitate remediation and protection of the groundwater in*
2 *the natural watershed of the Santa Ana River in the State*
3 *of California. In carrying out the activities described in*
4 *this section, the Secretary shall integrate such activities*
5 *with ongoing Federal and State projects and activities.*
6 *None of the funds made available for such activities pursu-*
7 *ant to this section shall be counted against any Federal au-*
8 *thorization ceiling established for any previously authorized*
9 *Federal projects or activities.*

10 *(d) FINANCIAL STATEMENTS AND AUDITS.—The Sec-*
11 *retary shall ensure that all funds obligated and disbursed*
12 *under this Act and expended by a local water authority,*
13 *are accounted for in accordance with generally accepted ac-*
14 *counting principles and are subjected to regular audits in*
15 *accordance with applicable procedures, manuals, and circu-*
16 *lars of the Department of the Interior and the Office of*
17 *Management and Budget.*

18 *(e) AUTHORIZATION OF APPROPRIATIONS.—There is*
19 *authorized to be appropriated to the Remediation such sums*
20 *as may be necessary to carry out the purposes of this Act*
21 *to remain available until expended.*

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